

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO: 09-396**

v. * **SECTION: “J”**

WAYNE L. MANNING *

* * *

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations contained within the Bill of Information now pending against the defendant, Wayne L. Manning: The defendant has agreed to plead guilty as charged in the Bill of Information charging him with making false statements in a matter within the jurisdiction of the United States in violation of Title 18, United States Code, Section 1001.

On or about September 3, 2006, Wayne L. Manning applied for Louisiana Road Home grant to obtain funds for repairs to Hurricane Katrina related damages sustained to the property located at 11130 Old Gentilly Road, New Orleans, LA 70127, in the Eastern District of Louisiana. In his application, Manning said he was the owner and occupant of this property and that it was his primary residence on August 29, 2005, when Hurricane Katrina made landfall in

the Eastern District of Louisiana. A certified copy of defendant's Road Home application and attachments would be offered as evidence at trial.

On June 13, 2008, Wayne L. Manning was interviewed by Special Agents of the Federal Bureau of Investigation ("FBI") and the Department of Housing and Urban Development, Office of Inspector General, regarding his Road Home application. The defendant, Mr. Manning, admitted that at the time of Hurricane Katrina, he owned a home in Mississippi located at 387 Mount Carmel Road, Carriere, Mississippi, for which he had filed a homestead exemption. He also admitted that he had claimed his home in Mississippi as his primary residence when he filed for FEMA (not Road Home) benefits following Hurricane Katrina. Mr. Manning also reluctantly admitted that the Old Gentilly location was his place of employment and that he had no other way to recoup the catastrophic loss he suffered at that location in view of the fact that he had no insurance at the time of Katrina. The government would offer as evidence at trial a copy of the defendant's FEMA application identifying his Mississippi home as his primary residence.

The government would also call as witnesses certain neighbors of the defendant who reside in close proximity to the defendant's residence in Carriere, Mississippi. Those neighbors would state that Mr. Manning resided at 387 Mount Carmel Road prior to and at the time of Hurricane Katrina on August 29, 2005. Additionally, interior and exterior photographs of the Old Gentilly Road property would be offered as evidence during trial. These photographs clearly depict a commercial, non-residential piece of property.

A Special Agent of the United States Department of Homeland Security, Office of Inspector General, would testify that Wayne L. Manning received a Louisiana Road Home grant in the amount of approximately \$64,959.48 for repairs to property located at 11130 Old Gentilly

Road, New Orleans, LA 70127. Records from Mr. Manning's bank account and from the Texas Independent Bank would be offered at trial to verify and prove the wiring of these funds from the Road Home office (through Texas) into the defendant's personal bank account on or about September 21, 2007.

A Special Agent of the United States Department of Housing and Urban Development, Office of Inspector General ("HUD") would testify that HUD is a federal agency and that as a result of legislation passed by Congress, funds were appropriated to HUD for a Community Development Block Grant ("CDBG") for Louisiana Hurricane victims. The purpose of CDBG was to assist and aid owners of property damaged or destroyed by Hurricane Katrina and Rita in September of 2005. The grant money was disbursed under the program known as the Louisiana Road Home Program (the "Program"). HUD prepared the rules and regulations governing the disbursement of grant money through the State of Louisiana and the State, through the Office of Community Development, Division of Administration contracted with ICF International Inc. To administer the Program and the federal grant funds.

A Special Agent of HUD would further testify that the major requirements for receiving Louisiana Road Home grant money was the applicant must have been the owner of the damaged property on August 29, 2005 and the property was the primary resident of the applicant on August 29, 2005.

Both the Government and the defendant, Wayne L. Manning, do hereby stipulate and agree that the above facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the Government would have proven these facts beyond a reasonable doubt at trial.

READ AND ACCEPTED BY:

WAYNE L. MANNING
Defendant

PETER M. THOMSON
Assistant United States Attorney

JOHN A. VENEZIA
Attorney for the Defendant